

Social Security statute provides that this offset ends when the worker attains 65 years of age. Furthermore, while recipients of Social Security benefits who earn income have their Social Security benefits reduced as a result of their earnings, this offset is eliminated at retirement age (currently 65).

While all veterans who are subject to the concurrent receipt offset are unfairly penalized, my bill would begin to rectify the injustice which falls most heavily on our older veterans. This bill will promote fairness and equity between military retirees and Social Security retirees by eliminating the offset at age 65.

Military retirees who have given so much to the service of our country and suffered disease or disabilities as a direct result of their military service do not deserve to be impoverished in their older years by the concurrent receipt penalty.

I commend Mr. Bilirakis, an original cosponsor of this bill, for his longstanding efforts to address the problems our military retirees experience due to the statutory prohibition on concurrent receipt of military retirement pay and benefits from the Department of Veterans Affairs. I urge my colleagues to support this bipartisan effort to promote fairness for our Nation's older military retirees.

#### AMERICAN HEART MONTH

#### HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 14, 2001*

Mr. PRICE of North Carolina. Mr. Speaker, I want to join my colleagues in recognizing February as American Heart Month. I commend the American Heart Association and other organizations for their efforts to raise awareness of heart disease. Their work is essential to reducing the physical, emotional, and economic burden of heart disease on the American public.

Heart disease remains the number one killer in America. Currently 20 million Americans are living with some form of this disease. In 1997 alone, over nineteen thousand North Carolinians died of heart disease. Every American is at risk for heart disease, and most of us have loved ones who have suffered from some form of this disease. The financial cost to the American public is immense. Heart disease, together with stroke and other cardiovascular diseases, are estimated to cost approximately \$300 billion in medical expenses and lost productivity in 2001.

One way each of us can help reduce the number of deaths and disability from heart disease is by being prepared for cardiac emergencies. Unfortunately, too many Americans do not know the warning signs of a heart attack. They include uncomfortable pressure, fullness, squeezing or pain in the center of the chest lasting more than a few minutes; pain spreading to the shoulder, arm or neck; and chest discomfort with lightheadedness, fainting, sweating, nausea or shortness of breath. If a friend or family member is exhibiting these symptoms, you can assist them by recognizing these signs, being prepared to call 9-1-1, and administering CPR if needed. Just knowing

these signs can save your life or the life of someone you care about.

I urge each of us to dedicate ourselves to learning more about heart disease, how to prevent it, how to recognize it, and what to do if you suspect that someone is having a problem. In the meantime, Congress must continue its strong commitment to the National Institutes of Health so researchers have the tools necessary to find new ways to treat and cure this devastating disease.

#### TRIBUTE TO ZINOVY GORBIS

#### HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 14, 2001*

Mr. BERMAN. Mr. Speaker, I rise to pay tribute to Professor Zinovy Gorbis, who will be celebrating his 75th birthday on March 3. Professor Gorbis, a faculty member of UCLA's Mechanical, Aerospace, and Nuclear Engineering Department, committed his life to studying the properties of solid particles suspended in gas or liquid. His contribution to the field deserves our respect and admiration. He is a prolific scientist, holding 17 patents and authoring three extensive field-defining papers and numerous articles. Long before environmental concerns led to the intensive study of aerosols, Professor Gorbis identified gas/liquid-solid systems as the 5th state of matter. His ideas on the unique properties of gas solid systems continue to influence and direct research throughout the world.

Despite the countless number of hours spent researching, Professor Gorbis still found time for his family. And he rarely passed up an opportunity to dance or play chess. Perhaps as well as anyone else, he has always understood the importance of life's simple treasures. Indeed, his passion for life helped him overcome formidable tribulations that most of us could not possibly imagine. As a teenager, he fled to the Soviet Union after German troops invaded his home and he experienced firsthand the horrors of war. As he grew older, he was never fully trusted because he was a Jew, despite the wide recognition and respect he received for his scientific work. In 1975, he was dismissed from his position and precluded from teaching when his oldest son, Boris, applied to leave the Soviet Union. A year later, he fled to Vilnius, Lithuania, waiting for the day that he could live in freedom and continue his crucial work. The Soviets, however, fervently refused to allow his family to emigrate, and Professor Gorbis spent the next decade in oblivion, measuring noise in elevator shafts while his wife suffered from a crippling bone disease.

In 1987, Professor Gorbis and his family were finally allowed to leave the Soviet Union. He soon settled in southern California with his family, where they flourished and became outstanding citizens. Once again, he was able to contribute to science with selfless devotion. I ask my colleagues to join me in saluting Professor Gorbis for his outstanding achievements. His scientific work and his passion for life inspire us all. We thank Professor Gorbis and wish all the best to him and his family on his 75th birthday.

#### A VIEWPOINT ON THE SUPREME COURT CASE NY TIMES V. TASINI

#### HON. JAMES P. MCGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 14, 2001*

Mr. MCGOVERN. Mr. Speaker, I submit for the RECORD this letter from Marybeth Peters, the Register of Copyrights at the U.S. Office of Copyrights, establishing her position on the U.S. Supreme Court Case, NY Times versus Tasini.

REGISTER OF COPYRIGHTS,

LIBRARY OF CONGRESS,

*Washington, DC, February 14, 2001.*

Congressman JAMES P. MCGOVERN,  
Cannon House Office Building,  
Washington, DC.

DEAR CONGRESSMAN MCGOVERN: I am responding to your letter requesting my views on New York Times v. Tasini. As you know, the Copyright Office was instrumental in the 1976 revision of the copyright law that created the publishers' privilege at the heart of the case. I believe that the Supreme Court should affirm the decision of the court of appeals.

In Tasini, the court of appeals ruled that newspaper and magazine publishers who publish articles written by freelance authors do not automatically have the right subsequently to include those articles in electronic databases. The publishers, arguing that this ruling will harm the public interest by requiring the withdrawal of such articles from these databases and irreplaceably destroying a portion of our national historic record, successfully petitioned the Supreme Court for a writ of certiorari.

The freelance authors assert that they have a legal right to be paid for their work. I agree that copyright law requires the publishers to secure the authors' permission and compensate them for commercially exploiting their works beyond the scope of section 201(c) of the Copyright Act. And I reject the publishers' protests that recognizing the authors' rights would mean that publishers would have to remove the affected articles from their databases. The issue in Tasini should not be whether the publishers should be enjoined from maintaining their databases of articles intact, but whether authors are entitled to compensation for downstream uses of their works.

The controlling law in this case is 17 U.S.C. §201(c) which governs the relationship between freelance authors and publishers of collective works such as newspapers and magazines. Section 201(c) is a default provision that establishes rights when there is no contract setting out different terms. The pertinent language of §201(c) states that a publisher acquires "only" a limited presumptive privilege to reproduce and distribute an author's contribution in "that particular collective work, any revision of that collective work, and any later collective work in the same series."

The Supreme Court's interpretation of section 201(c) will have important consequences for authors in the new digital networked environment. For over 20 years, the Copyright Office worked with Congress to undertake a major revision of copyright law, resulting in enactment of the 1976 Copyright Act. That Act included the current language of §201(c), which was finalized in 1965 of interests.

Although, in the words of Barbara Ringer, former Register and a chief architect of the